

40.250.030 Historic Preservation

A. Purpose.

The purpose of this section is to provide for the identification, evaluation and protection of historic and prehistoric resources within the county and to encourage the preservation, restoration and rehabilitation of eligible historic and/or cultural resources within the county for future generations in order to:

1. Safeguard the heritage of the county as represented by those buildings, objects, sites and structures which reflect the significant elements of the county's history;
2. Increase recognition of the county's historic and cultural resources;
3. Foster a sense of identity based upon the county's history;
4. Assist, encourage and provide incentives to property owners for preservation, restoration and use of significant buildings, objects, sites and structures; and
5. Promote and facilitate the early identification and resolution of conflicts between preservation of historic/cultural resources and alternative land uses.

B. Applicability.

This section applies to any property(ies) which fall into the following categories:

1. Property(ies) listed or eligible to be listed on any historic or cultural resource inventory within the county;
2. Property(ies) listed or eligible to be listed on the National Register of Historic Places, Washington State Heritage Register, Clark County Heritage Register or other local register within the county.

C. Definitions.

For the purposes of this section, the following definitions shall apply, unless a different meaning clearly appears from the context:

Board	"Board" shall refer to the Clark County Board of Commissioners, except where reference is made to the "local review board" for purposes of the special valuation tax incentive program.
Certificate of Appropriateness (COA)	<u>"Certificate of Appropriateness" means the document indicating that the commission has reviewed the proposed changes to a local register property or within a local register historic district and certified the changes as not adversely affecting the historic characteristics of the property which contribute to its designation.</u>
CLG	"CLG" means certified local government.

Clark County cultural resources inventory	“Clark County cultural resources inventory” or “inventory” means a comprehensive inventory of historic resources within the boundaries of Clark County including resources identified in the Clark County cultural resources inventory and other inventories by local jurisdictions within Clark County.
Clark County Heritage Register <u>(CCHR)</u>	“Clark County Heritage Register” means the list of properties, structures and objects that have been designated to be representative of Clark County’s rich history.
Commission	“Commission” means the “Clark County Historic Preservation Commission.”
<u>County council</u>	<u>“County council” shall refer to the Clark County Council.</u>
Cultural resources	“Cultural resources” consist of historic or prehistoric or archaeological sites and standing structures, cemeteries, burial grounds and funerary objects and distributions of cultural remains and artifacts.
<u>District</u>	<u>A “district” is a geographically definable area urban or rural, small or large—possessing a significant concentration, linkage, or continuity of sites buildings, structures, and/or objects united by past events or aesthetically by plan or physical development.</u>
<u>Eligible/Contributing</u>	<u>A building, structure, object, or site originally constructed within the applicable period of significance that retains and exhibits sufficient integrity (location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history. These properties strengthen the historic integrity of an existing or potential historic district.</u>
Emergency repair	“Emergency repair” means work necessary to prevent destruction or dilapidation to real property or structural appurtenances thereto immediately threatened or damaged by fire, flood, earthquake or other disaster.
National Register of Historic Places	“National Register of Historic Places” means the national listing of properties significant to our cultural history because of their documented importance to our history, architectural history, engineering or cultural heritage.
<u>Non-contributing</u>	<u>A building, structure, object, or site originally constructed within the applicable period of significance that does not retain or exhibit sufficient integrity (location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history. These properties do not strengthen the historic integrity of an existing or potential historic district in their current condition.</u>
Ordinary repair and maintenance	“Ordinary repair and maintenance” means work for which a permit issued by Clark County is not required by law, and where the purpose

	and effect of such work is to correct any deterioration or decay of or damage to the real property or structural appurtenance therein and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay or damage.
<u>Period of Significance</u>	<u>The time period, from one to several years or decades, during which a Landmark was associated with an important historic event(s), trend(s), person(s), architecture, or method(s) of construction.</u>
Professional archaeologist	“Professional archaeologist” means a person with qualifications meeting the federal Secretary of the Interior’s standards for a professional archaeologist, as defined in RCW 27.53.030 .
<u>Rules and procedures</u>	<u>“Rules and procedures” are the Historic Preservation Commission’s guidelines for conducting various historic preservation processes that are reviewed by the commission.</u>
<u>Significance or significant</u>	<u>“Significance” or “significant” used in the context of historic significance means the following: a property with local, state or national significance is one which helps in the understanding of the history of the local area, state or nation (whichever is applicable) by illuminating the local, statewide or nationwide impact of the events or persons associated with the property, or its architectural type or style in information potential. The local area can include Clark County, or southwest Washington, or a modest geographic or cultural area, such as a neighborhood. Local significance may apply to a property that illustrates a theme that is important to one (1) or more localities; state significance to a theme important to the history of the state; and national significance to property of exceptional value in representing or illustrating an important theme in the history of the nation.</u>
<u>“Special valuation tax incentive program”</u>	<u>“Special valuation tax incentive program” or “special valuation” means the local option program which makes available to property owners a special tax valuation for rehabilitation of historic property(ies) under which the assessed value of an eligible historic property is determined at a rate that excludes, for up to ten (10) years, the actual cost of the rehabilitation.</u>
Washington Heritage Register	“Washington Heritage Register” means the state listing of properties significant to the community, state or nation but which do not meet the criteria of the National Register of Historic Places.

(Amended: Ord. 2009-07-01)

D. Clark County Historic Preservation Commission.

1. Creation and Size. There is established a Clark County Historic Preservation Commission (the commission), consisting of a minimum of five (5) members, as provided in Section [40.250.030\(BD\)](#). Members of the commission shall be appointed

by the ~~board~~ county council and shall be residents of the county, except as provided in Section [40.250.030\(D\)\(2\)\(b\)](#).

2. Composition of the Commission.

- a. All members of the commission must have a demonstrated special interest, experience or knowledge in history, historic preservation, architecture or related disciplines as listed in Section [40.250.030\(D\)\(2\)\(b\)](#).
- b. The commission shall always include at least two (2) professionals who have experience in identifying, evaluating and protecting historic and cultural resources and are selected from among the disciplines of history, public history, architecture, architectural history, historic preservation, planning, cultural anthropology, archaeology, cultural geography, American studies, or the practice of historic rehabilitation or restoration. The commission action that would otherwise be valid shall not be rendered invalid by the temporary vacancy of one (1) or all of the professional positions, unless the commission action is related to meeting certified local government (CLG) responsibilities cited in the certification agreement between the ~~board~~ county council and the State Historic Preservation Officer. Furthermore, exception to the residency requirement of commission members may be granted by the ~~board~~ county council in order to obtain representatives from these disciplines.

3. Terms.

- a. The initial appointments to the commission shall be staggered. Two (2) members shall be appointed for one (1) year, two (2) members shall be appointed for two (2) years, and one (1) member shall be appointed for three (3) years. Thereafter the terms shall be for three (3) years. Membership on the commission shall be limited to two (2) full consecutive three (3) year terms. Reappointment after two (2) full consecutive terms may be made after at least a one (1) year absence.
- b. Vacancies occurring otherwise than through the expiration of terms shall be filled for the unexpired terms. Members may be removed by the ~~board~~ county council for inefficiency, neglect of duty or malfeasance in office. The members shall be selected without respect to political affiliations.

4. Powers and Duties. The major responsibilities of the Historic Preservation Commission are to identify and actively encourage the conservation of the county's historic and cultural resources by initiating and maintaining a register of historic places and reviewing proposed changes to register property(ies); to raise community awareness of the county's historic and cultural resources; and to serve as the county's primary resource in matters of historic preservation. In carrying out these responsibilities, the commission shall engage in the following:

- a. Conduct and maintain a comprehensive inventory of historic and cultural resources within the boundaries of Clark County and known as the Clark County cultural resource inventory; publicize and periodically update inventory results;
- b. Maintain the Clark County Heritage Register (CCHR). This official register shall be compiled of buildings, structures, sites and objects identified by the commission as

having historic significance worthy of recognition by the county and encouragement of efforts by owners to maintain, rehabilitate and preserve properties;

- c. Review nominations to the Clark County Heritage Register according to criteria in Section 40.250.030(E)(1) and adopt standards in its rules to be used to guide this review.
 - d. Review proposals to construct, change, alter, modify, remodel, move, demolish, or significantly affect properties or districts on the register as provided in Section 40.250.030(E); and adopt standards in its rules and procedures to guide this review and the issuance of a certificate of appropriateness or waiver.
 - e. Conduct all commission meetings in compliance with Chapter 42.30 RCW, Open Public Meetings Act, to provide for adequate public participation and adopt standards in its rules to guide this action.
 - f. Review nominations to the National Register of Historic Places and CCHR according to criteria in Sections 40.250.030(E) and 40.250.030(F). Make designations to the GCHR; the commission's rules and procedures;
 - ~~d.g.~~ Submit nominations to the Washington State Heritage Register and National Register of Historic Places;
 - ~~e.h.~~ Provide for comment by the commission on all applications for approvals, permits, environmental assessments or impact statements, and other similar documents pertaining to identified historic or cultural resources or adjacent property(ies) when requested to by staff;
 - ~~f.i.~~ Provide information, comment and support to the public and agencies on matters related to historic preservation;
 - ~~g.i.~~ Encourage recognition of noteworthy efforts in the rehabilitation or maintenance of historic buildings, structures, sites and districts, and new construction in historic areas;
 - ~~h.k.~~ Serve as the local review board for ~~s~~Special ~~v~~Valuation pursuant to Chapter 84.26 RCW and Section 40.250.030(I);
 - ~~i.~~ ~~Conduct design review consistent with Section 40.250.030(G) on CCHR properties.~~
5. Compensation. All members shall serve without compensation.
 6. Rules and Officers.
 - a. The commission shall establish and adopt its rules and procedures not inconsistent with this section.
 - b. The commission shall select from among its membership a chair~~person~~ and vice-chair to conduct the commission's business.

c. All official actions of the commission shall require a majority vote of the members present and eligible to vote on the action voted upon. No member shall be eligible to vote upon any matter required by this Section 40.250.030 unless that member has attended the hearing or familiarized him or herself with the record.

7. Commission Staff. Staff assistance shall be provided by the Community Planning Department with additional assistance and information to be provided by other county or city departments as may be necessary to aid the commission in carrying out its duties and responsibilities under this section.
8. Interlocal Agreement Required. Prior to review by the commission of nominations or certificates of approval for properties within incorporated cities, an interlocal agreement shall be established.

(Amended: Ord. 2006-05-01; Ord. 2009-07-01)

~~E. National Register of Historic Places.~~

- ~~1. Nominations to the National Register of Historic Places shall be reviewed as established in the Code of Federal Regulations (~~36~~ CFR ~~60~~).~~
- ~~2. Review. The commission shall hold a duly advertised public hearing at a regularly scheduled meeting at which the applicable criteria are reviewed and a recommendation forwarded to the State Department of Archaeology and Historic Preservation (DAHP) within sixty (60) days of the date of application. The DAHP shall complete the designation process and notify the applicant of the designation decision.~~

(Amended: Ord. 2009-07-01)

~~F. Clark County Heritage Register (CCHR).~~

1. Criteria for Determining Eligibility for Designation in the Register. Any building, structure, site, object or district may be designated for inclusion in the CCHR if it is significantly associated with the history, architecture, archaeology, engineering or cultural heritage of the community; if it has integrity of location, design, setting, materials, workmanship, feeling and association; is at least fifty (50) years old, or is of lesser age and has exceptional importance.
- ~~“Significance” or “significant” used in the context of historic significance means the following: a property with local, state or national significance is one which helps in the understanding of the history of the local area, state or nation (whichever is applicable) by illuminating the local, statewide or nationwide impact of the events or persons associated with the property, or its architectural type or style in information potential. The local area can include Clark County, or southwest Washington, or a modest geographic or cultural area, such as a neighborhood. Local significance may apply to a property that illustrates a theme that is important to one (1) or more localities; state significance to a theme important to the history of the state; and national significance to property of exceptional value in representing or illustrating an important theme in the history of the nation.~~

The property(ies) must meet the above as well as fall into at least one (1) of the following categories:

- a. Is associated with events that have made a significant contribution to the broad patterns of national, state or local history;
 - b. Embodies the distinctive architectural characteristics of a type, period, style or method of design or construction, or represents a significant and distinguishable entity whose components may lack individual distinction;
 - c. Is an outstanding work of a designer, builder or architect who has made a substantial contribution to their field;
 - d. Exemplifies or reflects special elements of the county's history;
 - e. Is associated with the lives of persons significant in national, state or local history;
 - f. Has yielded or may be likely to yield important archaeological information related to history or prehistory;
 - g. Is a historic building or cultural resource removed from its original location but which is significant for architectural value, or association with a historic person or event, or prehistory;
 - h. Is a birthplace or grave of a prehistoric or historical figure of outstanding importance and is the only surviving structure or site associated with that person;
 - i. Is a cemetery or burial site which derives its primary significance from age, from distinctive design features, or from association with historic events, or cultural patterns;
 - j. Is a reconstructed building that has been executed in a historically accurate manner on the original site;
 - k. Is a creative and unique example of folk architecture and design created by persons not formally trained in the architectural or design professions, and which does not fit into formal architectural or historical categories.
2. Nominating, Designating and Listing Property(ies) to the CCHR.
- a. A property owner or owners must consent in writing before a nomination application may be accepted by the county. Any person may prepare a nomination form; however, it will not be scheduled for public hearing without owner(s) consent. In its designation decision, the commission shall consider the Clark County cultural resources inventory and the county's comprehensive plan. The procedures set forth in this section may also be used to amend existing designations.
 - b. The nomination or designation of an historic resource shall constitute nomination or designation of the land which is occupied by the historic resource unless the nomination specifically indicates only the footprint of a building, structure, site or object. Nominations shall be made on official nomination forms provided by the

historic preservation staff, shall be filed with the historic preservation staff, and shall include all data required by the commission.

- c. Properties should be described in detail on the nomination form. All interior and exterior features and outbuildings which contribute to the designation should be mentioned and described. Non-contributing features should also be mentioned and described.

The original form should be presented along with the following documentation:

- ii. A U.S.G.S. map with the UTM reference points identified. "UTM" means "Universal Transverse Mercator" or the grid zone in metric measurement providing for an exact point of numerical reference.
- iii. An Assessor's Tax Parcel Map of Clark County should be included, with the property prominently identified. Color highlighting of the map is not acceptable.
- iii. A legal description which includes the tax lot(s), section(s), township(s) and range(s).
- iiiv. A sketch or scaled map showing significant property elements and property boundaries for nominations involving more than a single structure or site.
- iv. Digital photographs detailing the historic nature of the property. All photos files must be clearly labeled to identify location, subjects and the direction the photograph was taken. The Clark County Historic Preservation Commission staff should be consulted regarding exact photo requirements for specific nominations.

d. Upon receipt by the historic preservation staff of any nomination for designation, the staff shall review the nomination, consult with the person or persons submitting the nomination, and the owner, and prepare any amendments to or additional information on the nomination deemed necessary by staff. The historic preservation staff may refuse to accept any nomination for which inadequate information is provided by the person or persons submitting the nomination. It is the responsibility of the person or persons submitting the nomination to perform such research as are necessary for consideration by the commission.

e. The commission shall consider the merits of the nomination, according to the criteria in Section [40.250.030\(AE\)\(1\)](#) and according to the nomination review standards established in its rules and procedures, at a public hearing. Adequate notice will be given to the public, the owner(s) and the author(s) of the nomination, if different, and lessees, if any, of the subject property prior to the public meeting according to standards for public meetings established in rules and in compliance with Chapter [42.30](#) RCW, Open Public Meetings Act. Such notice shall include publication in a newspaper of general circulation in Clark County and posting of the property per Section [40.510.030\(E\)](#) and any other form of notification deemed appropriate by Clark County. If the commission finds that the nominated property is eligible for the CCHR, the commission shall list the property in the register with owner's consent. If the commission approves an amendment to an existing nomination, the updated record will be filed with Clark County Community Planning.

- f. All properties which are designated and listed on the CCHR shall have a copy of the listing certificate recorded with the County Auditor's office by commission staff.
- ~~e. In the case of individual property(ies), the designation shall include all exterior features, interior features, and outbuildings which directly contribute to the significance of the historic or architectural character.~~
3. Nominating, Designating, and Listing of Historic Districts. (THIS SECTION RESERVED).
4. Removal of Property(ies) from the CCHR.

 - a. A property owner may request a review of a property for possible removal from the CCHR. A written request may be submitted to the commission and considered at a public meeting. However, there is no automatic right to have a property be considered for removal removed from the register. The commission will decide at a public meeting whether to move the request to a public hearing for removal from the CCHR.
 - b. In the event that any property is no longer deemed appropriate for designation to the CCHR, the commission may determine the need for a review of a property for possible removal from the CCHR. The commission will decide at a public meeting whether or not to hold a public hearing to consider removal from the register. ~~In the event that any property is no longer deemed appropriate for designation to the CCHR, the~~ The commission may initiate removal from such designation by the same procedure as provided for in establishing the designation, Section 40.250.030(F)(2)(E), except that a property may be removed from the CCHR without the owner's consent.
5. Effects of Listing on the Register. ~~Nominations of historic districts to the CCHR are not provided for in this section in unincorporated Clark County. References to historic districts in this section are for the purpose of reviewing district nominations and designations of jurisdictions with historic district criteria written into their ordinance(s) and with which Clark County has a valid interlocal agreement for such review.~~

 - a. Listing on the CCHR is an honorary designation denoting significant association with the historic, architectural, archaeological, engineering or cultural heritage of the community. Property(ies) is (are) listed individually or as contributing property(ies) to a historic district.
 - b. Prior to the commencement of any work associated with the significant features as defined in the designation of the register property, excluding ordinary repair, maintenance and emergency measures defined in Section 40.250.030(G), the owner must request and receive a certificate of appropriateness from the commission for the proposed work.
 - c. Prior to whole or partial demolition of a register property, the owner must request and receive a waiver of a certificate of appropriateness per Section 40.250.030(G)(3)(d).
 - d. After demolition of a structure the commission may initiate removal of the property from the CCHR , per Section 40.250.030(E)(4)(b).

- e. While Clark County is certified as a certified local government (CLG), all properties listed on the CCHR and the National Register of Historic Places may be eligible for a special tax valuation on their rehabilitation pursuant to Section [40.250.030\(I\)](#).
 - f. The owner must provide ordinary repair and maintenance to ensure protection of the contributing historic features of the property as defined in the historic designation.
- ~~6. Recording Designations and Listings. All properties which are designated and listed on the CCHR shall have a copy of the listing recorded with the County Auditor's office. A copy of the designation and listing letter for recording shall be forwarded to the County Auditor's office by commission staff.~~
- GE. Review of Changes to CCHR Property(ies) —~~Design Review~~ Certificate of Appropriateness procedure.
- ~~1. To achieve the comprehensive plan and historic preservation goals and to safeguard the heritage of Clark County, a two (2) part evaluation system is necessary:

 - ~~a. The identification of those materials, features and combinations of features that gives significance to property(ies) or districts on the CCHR; and~~
 - ~~b. Assessing the potential impact of rehabilitation work necessary for efficient contemporary utilization of the property.~~~~
 - ~~2. The historic character of a property or district is defined by many features: materials, style, composition and decorative features; the presence of architectural metals; window number, arrangements and styles (fenestration); entrances and porches, storefronts on commercial buildings, internal arrangement and detailing; and the historic relationship between buildings, landscape features and open space, as well as many other materials and features, can all contribute to a property's character.~~
 - ~~3. After identifying the distinguishing historic characteristics of a property subject to the design review process, retention and preservation of those features and materials are the primary goals of the design review effort. This is accomplished through the review process individual to each property. However, there are preferred options, specified by the Secretary of the Interior, common to each property. These are, in descending order of preferability:

 - ~~a. Protecting and maintaining;~~
 - ~~b. Repairing;~~
 - ~~c. Replacing;~~
 - ~~d. Design for missing features; and~~
 - ~~e. Alterations and additions to historic buildings. The guidelines for the above are listed in the "rules and procedures" adopted herewith.~~~~
41. Review Required. No person shall construct any new building or structure, or reconstruct, alter, restore, remodel, repair, move, demolish or make any material

change affecting significant historic features as listed in the designation form(s) to any existing property on the CCHR or within a historic district on the CCHR, without review by the commission and without receipt of a €Certificate of aAppropriateness, or, in the case of demolition, a waiver of €Certificate of aAppropriateness, as a result of the review. The review shall apply to all features of the property, interior and exterior, that contribute to its designation and are listed on the designation nomination form. This requirement shall apply whether or not the proposed alteration also requires a building or other permit, except as noted under Section 40.250.030(GF)(2). Information required by the commission to review the proposed changes is established in rules and procedures, Application Standards for Certificate of Appropriateness Review. A pre-application conference is recommended but is at the request of the applicant.

52. Exemptions. The following activities do not require a certificate of appropriateness or review by the commission:

- a. Ordinary repair and maintenance which do not affect significant historic features including:
 - (1) Painting or emergency measures as defined in Section 40.250.030(C).
 - (2) Ordinary repairs and maintenance which do not alter the appearance of a significant feature and do not utilize substitute materials do not require a certificate of appropriateness.
 - (3) Repairs to, or replacement of, utility systems.

63. Certificate of Appropriateness Review Process.

- a. Requests for Review and Issuance of a Certificate of Appropriateness or Waiver. The building or zoning official shall report any application for a permit to work on a designated CCHR property or in a Clark County heritage historic district to the commission. If the activity is not exempt from review, the commission or staff shall notify the applicant of the review requirements. The responsible official shall not issue any such permit until a €Certificate of aAppropriateness or a waiver is received from the commission but shall work with the commission in considering building and fire code requirements.
- b. There shall be two (2) types of reviews for issuance of a €Certificate of aAppropriateness:
 - (1) ~~Type I~~ Staff Review. An administrative review by commission staff for repairs and replacements-in-kind as listed below, but not limited to the following:
 - (a) Repairs (other than ordinary repair and maintenance) using the same materials and design as the original;
 - (b) Reroofing using the same type and color of material;
 - (c) Replacement of sidewalks and driveways using the same type and color of materials;

- (d) Replacement of foundations or major portions thereof, using the same type and color of materials;
 - (e) Replacement of utility systems if contributing interior features of significance are present;
 - (f) Structural or seismic upgrades which do not alter or affect significant features.
- (2) ~~Type III~~ Commission Review. A public hearing review by the commission for alterations in appearance, replacement of historic materials, new construction or additions, or demolition or removal of a CCHR building or cultural resource. Demolition of structures or facilities with recognized historical significance is also subject to the State Environmental Policy Act.
- c. When a eCertificate of aAppropriateness is required, the following procedures shall govern according to the type of review required:
- (1) ~~Type I, Staff Review~~. Type I An application for review for eCertificates of aAppropriateness shall be reviewed by the commission staff.
 - (a) Applications for the certificate shall be submitted to the commission staff on forms provided by the commission and in accordance with the following submission requirements: a clear photograph or photographs of the building, object, site or structure, a brief description of the intended work, and samples of replacement material for comparison with the existing or the original building or structure must be furnished with the application.
 - (b) Decision of the commission staff on the application shall be made within fifteen (15) days from the date on which the commission staff receives a fully complete application.
 - (c) The commission staff may, on his or her own motion, refer the application to the commission for a decision in accordance with the procedures set forth for a ~~Type III~~ commission review per Section 250.030 (F)(3). ~~The time for a decision of the commission on the application shall run from the date that the application is referred to the commission by the staff.~~
 - (d) ~~Appeals from the decision of the commission staff regarding the issuance of a certificate of appropriateness by a Type I~~ Staff reviews may be appealed pursuant to the procedures in Section 40.510.010(E) for a Type I review. Appeals are to the commission, not the hearing examiner.
 - i. A final decision regarding an application subject to a staff review procedure may be appealed by any interested party. Final decisions may be appealed only if, within fourteen (14) calendar days after written notice of the decision is mailed, a written appeal is filed with the responsible official.

ii. Submittal Requirements. The appeal shall contain the following information:

a. The case number designated by the county and the name of the applicant;

b. The name and signature of each petitioner and a statement showing that each petitioner is entitled to file the appeal under Section 40.250.030(G)(3)(d). If multiple parties file a single petition for review, the petition shall designate one (1) party as the contact representative for all contact with the responsible official. All contact with the responsible official regarding the petition, including notice, shall be with this contact representative;

c. The specific aspect(s) of the decision being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied on to prove the error.

iii. Appeal Decision.

a. The Historic Preservation Commission shall hear appeals in a hearing. Notice of an appeal hearing shall be mailed to parties of record, but shall not be posted or published. A staff report shall be prepared, a hearing shall be conducted, and a decision shall be made and noticed and can be appealed per Section 40.250.030(G).

(2) ~~Type III, Commission Review.~~ Alterations in appearance, replacement of historic material (other than in-kind), new construction or additions, alteration in the appearance of a significant contributing feature, the replacement of historic material (other than in-kind) in a significant feature, additions to a CCHR structure or new construction on a CCHR property or in a historic district, or any excavation on an archaeological site requires a ~~Type III review~~ Commission Review for a ~~eCertificate of a~~ Certificate of Appropriateness. The owner or the owner's agent (architect, contractor, lessee, etc.) shall apply to the commission for a ~~review of proposed changes on a CCHR property or within a CCHR historic district and request a eCertificate of a~~ Appropriateness or, in the case of demolition, a waiver. Each application for review of proposed changes shall be accompanied by information as required by the commission in its rules and procedures for the review of the proposed project. The commission staff shall meet with the applicant and review the proposed work according to the design review criteria established in rules. Notice of the design review Certificate of Appropriateness application shall be published in a newspaper of general circulation with the agenda and the property posted at least fifteen days prior to for a the public hearing and the property posted. The commission shall complete its review and make its recommendations and decision at the public hearing within the timelines established in Section 40.510.030(F), unless an extension of time is necessary. After the hearing, the commission's decision shall be made in writing and shall state the findings of fact and reasons relied upon in reaching its decision within fourteen (14) days of the close of the case record. If the owner agrees to the commission's decision, a eCertificate of

aAppropriateness shall be awarded by the commission according to standards established in its rules and procedures. The commission's recommendations and decision, and, if awarded, the eCertificate of aAppropriateness, shall be transmitted to the building or zoning official. If a certificate of appropriateness is awarded, the building or zoning official may then issue the permit.

d. Demolition. A waiver of eCertificate of aAppropriateness is required before a permit may be issued to allow whole or partial demolition of a designated CCHR property or in a CCHR historic district. Demolition is subject to review under the State Environmental Policy Act.

(1) The owner or the owner's agent shall attend a pre-application conference with staff to review demolition or alternative plans. After the pre-application conference the applicant may apply to the commission for a review of the proposed demolition and request a waiver.

(2) ~~The applicant shall provide with the application for the waiver shall provide~~ a bona fide list of alternatives to demolition, which includes, but is not limited to:

(a) Economic analysis;

(b) Offers to lease, sell or dedicate site to a private, public or nonprofit entity, and outcome of the offer;

(c) Relocation of building, etc.

~~(3) The applicant shall meet with the commission to review alternatives to demolition.~~

(3) The owner or his/her agent shall submit an application to the commission for a review of the proposed demolition and request a waiver of the Certificate of Appropriateness. The applicant shall meet with the commission in an attempt to find alternatives to demolition. These negotiations may last no longer than 45 calendar days from the initial meeting of the commission, unless either party requests an extension. If no request for an extension is made and no alternative to demolition has been agreed to, the commission shall act and advise the official in charge of issuing a demolition permit of the approval or denial of the waiver of a Certificate of Appropriateness. Conditions in the case of granting a demolition permit may include allowing the commission up to 45 additional calendar days to develop alternatives to demolition. When issuing a waiver the commission may require the owner to mitigate the loss of the Clark County Heritage Register property by means determined by the commission at the meeting. Mitigation may include, but is not limited to, an identification plaque, use of an architectural element in new construction, moving the building, and/or buffering of the historic or cultural resource. The commission's recommendations, decision and conditions of approval shall be transmitted to the responsible official. Any conditions agreed to by the applicant in this review process shall become conditions of approval of the permits granted. After the property is demolished, the commission shall

initiate removal of the property from the register, per Section 40.250.030 (F)(4).

- (4) ~~Commission consideration of the alternatives to demolition shall last no longer than forty-five (45) days from the date of application, unless an extension of time is necessary. In no case shall a request for extension extend beyond an additional forty-five (45) days. If no request for an extension is made or no alternative to demolition has been agreed to, the commission shall act and advise the official in charge of issuing a demolition permit of the approval or denial of the waiver of a certificate of appropriateness. When issuing a waiver the commission may require the owner to mitigate the loss of the CCHR property by means determined by the commission at the public hearing. Mitigation may include, but is not limited to, an identification plaque, use of an architectural element in new construction, moving the building, and/or buffering of the historic or cultural resource. The commission's recommendations, decision and conditions of approval shall be transmitted to the responsible official. Any conditions in this review process shall become conditions of approval of the permits granted. After the property is demolished, the commission may initiate removal of the property from the CCHR.~~

~~e. Appeal of Approval or Denial of a Waiver of a Certificate of Appropriateness. The commission's decision regarding a waiver of a certificate of appropriateness may be appealed to the Clark County Land Use Hearings Examiner. The appeal must be in conformance with the appeal procedures in Section 40.510.030(H). The Hearings Examiner's decision regarding a waiver of a certificate of appropriateness may be appealed to superior court. If a waiver of a certificate of appropriateness is issued, a permit for demolition may be issued.~~

7. Violation. Violations of this section shall be grounds for the commission to review the property for removal from the register and are subject to enforcement under Title 32 of the Clark County Code. The property owner may also be subject to special valuation disqualification as stated in WAC 458-15-070 and Chapter 3.22 of this code.

(Amended: Ord. 2009-07-01; Ord. 2009-10-19)

G. Appeals.

1. Applicability. A final decision of the Historic Preservation Commission may be appealed only by a party of record. Final decisions may be appealed only if, within **twenty-one (21) calendar days** after written notice of the decision is mailed, a written appeal is filed in the superior court of Clark County, pursuant to Chapter 36.70C RCW or applicable state law.

H. Relationship to Zoning.

1. Property(ies) designated to the CCHR shall be subject to the provisions set forth herein, as well as the bulk, use, setback, and other controls of the zoning district in which they

are located. Nothing contained herein shall be construed to be repealing, modifying or waiving any zoning provisions.

- a. Property(ies) on any historic register or the Clark County cultural resources inventory shall be so noted in the manual or electronic permit tracking system or other database of the county or any CLG city to alert staff and public as to the presence of a historic site, structure, object or building. Archaeological sites are exempt from this requirement.
 - b. An official county map shall indicate an “HR” for “historic or heritage register” for any property listed on the national, state or local registers, except site-specific archaeological sites.
 - c. Property(ies) listed on the Clark County cultural resource inventory or a city’s cultural resource inventory shall be indicated on official maps with an “H” “INV” for “historic inventory” except site-specific archaeological sites.
 - d. Historic district boundaries approved by the ~~board~~ county council shall be indicated on the county’s official zoning maps.
 - e. Any application for development of building permit review on an HR- or ~~H~~-INV-designated property shall be routed to commission staff for review and/or action pursuant to this section and adopted rules and procedures prior to permit approval.
2. The responsible official is responsible for review of impacts to potential or existing historic resources. All applications for approval, permits, environmental assessments or impact statements, and other similar documents pertaining to property(ies) on the Clark County cultural resource inventory or adjacent property(ies) shall be reviewed by appropriate staff or a qualified consultant. Comments shall be forwarded to the responsible staff for the application under consideration. If a property is on the National Register of Historic Places, CCHR or a historic district on either register, the commission staff shall contact the property owner or agent in writing and advise them of the register status and applicable requirements. Cultural resources which are archaeological resources reviewed pursuant to the State Environmental Policy Act (SEPA) shall be reviewed by a professional archaeologist and comments shall be forwarded to the responsible staff for the application under consideration.

(Amended: Ord. 2009-07-01; Ord. 2009-10-19)

I. Review and Monitoring of Property(ies) for Special Property Tax Valuation.

This section implements the local option special valuation tax incentive program as established in Chapter 84.26 RCW. ~~“Special valuation tax incentive program” or “special valuation” means the local option program which makes available to property owners a special tax valuation for rehabilitation of historic property(ies) under which the assessed value of an eligible historic property is determined at a rate that excludes, for up to ten (10) years, the actual cost of the rehabilitation.~~

1. Timelines.

- a. Applications must be filed with the County Assessor's office and shall be forwarded to the commission by the assessor within ten (10) days of filing.
 - b. For applications filed at least thirty (30) days prior to the next regularly scheduled meeting of the commission, the case may be put on the agenda for that meeting. If there are not thirty (30) days, the case will be scheduled for the next regularly scheduled meeting of the commission.
 - c. Applications shall be reviewed by the commission before December 31st of the calendar year in which the application is made.
 - d. Commission decisions regarding the applications shall be certified in writing and filed with the assessor within ten (10) days of the decision.
2. Procedure.
- a. The applicant files an application for special valuation with the County Assessor's office no later than October 1st preceding the tax assessment year in which they wish to apply. ~~A fee is required as established in Title 6 and is payable to the Community Planning Department.~~
 - b. The assessor forwards the application(s) to the commission within ten (10) days of receipt of the completed application.
 - c. The commission reviews the application(s), consistent with its rules and procedures, and determines if the application(s) are complete and if the property(ies) meet the criteria set forth in WAC [254-20-070](#)(1) and listed in Section [40.250.030](#)(l)(3).
 - (1) If the commission finds the property(ies) meet all the criteria, then it shall approve the application(s).
 - (2) If the commission determines the property(ies) do not meet all the criteria, then it shall deny the application(s).
 - d. The commission certifies its decisions in writing and states the facts upon which the approvals or denial are based and files copies of the certifications with the assessor.
 - e. For approved applications:
 - (1) The commission staff forwards copies of the agreements, applications and supporting documentation (as required by WAC [254-20-090](#)(4) and identified in Sections [40.250.030](#)(l)(3) and [40.250.030](#)(l)(4)) to the County Assessor;
 - (2) The commission staff forwards the signed agreement and application documents to the County Auditor for recording. The applicant shall be assessed fees for recording as prescribed by the County Auditor and other applicable Clark County Code sections;
 - (3) Notifies the Washington State Advisory Council that the property(ies) have been approved for special valuation; and

- (4) Monitors the property(ies) for continued compliance with the agreements throughout the ten (10) year special valuation period. Monitoring may include an annual site visit by staff or commission members.
- f. The commission determines in a manner consistent with its rules of procedure, whether or not property(ies) are disqualified from special valuation either because of:
 - (1) The owner's failure to comply with the terms of the agreement; or
 - (2) Because of a loss of historic value resulting from physical changes to the building or site.
- g. For disqualified property(ies) pursuant to RCW [84.26.080](#), the commission shall notify the owner, assessor, and Washington State Advisory Council in writing and state the facts supporting its findings.

3. Criteria.

- a. Historic Property Criteria. The class of property eligible to apply for special valuation in Clark County shall mean all property(ies) listed on the National Register of Historic Places, CCHR or property(ies) certified as contributing to local and/or National Register Historic Districts which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter [84.26](#) RCW.
- b. Application Criteria. Complete applications shall consist of the following documentation:
 - (1) A legal description of the historic property;
 - (2) A copy of the nomination form to the National Register of Historic Places, CCHR for the subject property(ies);
 - (3) Comprehensive exterior and interior photographs of the historic property before and after rehabilitation. ~~Digital Pphotographs should be four (4) inches by six (6) inches or five (5) inches by seven (7) inches minimum format either black and white or color, with negatives, and must be clearly labeled to identify case, location, subjects and the direction the photograph was taken.~~ Photographs shall include:
 - (a) Photos taken prior to construction;
 - (b) Historic photos or other source materials of replicated features; and
 - (c) A current streetscape.
 - (4) Architectural plans or other legible drawings depicting the completed rehabilitation work signed by the architect or draftsman;
 - (5) Notarized affidavit(s):

- (a) Attesting to the actual itemized cost of the rehabilitation work completed prior to the date of application; and
 - (b) Indicating rehabilitation work was completed within the twenty-four (24) month period of time prior to application for special valuation. Documentation of both must be made available to the commission;
 - (6) Samples of utilized materials may be required by the commission;
 - (7) Other information as required by staff or the commission at a pre-application meeting.
- c. Property Review Criteria. In its review the commission shall determine if the property(ies) meet all the following criteria:
- (1) The property is historic property which is designated to the local Clark County Heritage Register and/or national registers;
 - (2) The property has been rehabilitated at a cost which meets the definition set forth in RCW 84.26.020(2) ~~(and identified in Section 40.250.030(1)(3) rules and procedures of this chapter)~~ within twenty-four (24) months prior to the date of application; and
 - (3) The property has not been altered in any way which adversely affects those elements which qualify it as historically significant as determined by applying the Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties, ~~(WAC 254-20-100(1) and listed in rules and procedures of this chapter).~~
- d. Rehabilitation and Maintenance Criteria. The Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties in WAC 254-20-100 shall be used by the commission as minimum requirements for determining whether or not a historic property is eligible for special valuation and whether or not the property continues to be eligible for special valuation once it has been so classified.
4. Agreement. The historic preservation special valuation agreement in WAC 254-20-120 shall be used by the commission as the minimum agreement necessary to comply with the requirements of RCW 84.26.050(2).
5. Appeals. ~~Any decision of the commission acting on any application for classification as historic property, eligible for special valuation, may be appealed to superior court under RCW 34.04.130 in addition to any other remedy of law. Any decision on the disqualification of historic property eligible for special valuation, or any other dispute, may be appealed to the county board of equalization.~~ Any decision of the commission acting on any application for classification as historic property, eligible for special valuation, may be appealed to Superior Court under Chapter 34.05.510 -34.05.598 RCW in addition to any other remedy of law. Any decision on the disqualification of historic property eligible for special valuation, or any other dispute, may be appealed to the County Board of Equalization.

(Amended: Ord. 2006-05-01; Ord. 2009-07-01; Ord. 2009-10-19)

J. Interlocal Agreements.

1. Interlocal agreements may be established in accordance with Chapter [39.34](#) RCW between cities and the county for historic preservation services.
2. The commission may act on behalf of an incorporated city within Clark County, with a valid interlocal agreement. The interlocal agreement must specify if the commission and Clark County Land Use Hearings Examiner retain final decision-making power on nominations, designation, and/or design review. If the commission and the Hearings Examiner do not retain final decision-making authority, the interlocal agreement shall stipulate which jurisdictional body shall have final decision-making authority.

(Amended: Ord. 2009-10-19)

K. Clark County Cultural Resources Inventory.

1. "Inventory" means the Clark County cultural resources inventory or a comprehensive inventory of historic resources within the boundaries of Clark County including resources identified by local jurisdictions within Clark County. The inventory is a tool for planning and research and includes those resources believed to have prehistoric, historic or cultural significance to Clark County, or even the nation, regardless of current ownership.
2. There are no regulatory requirements arising from this historic preservation section which result from inclusion on the inventory.
3. Application to the Inventory.
 - a. A property owner may make application to request listing on the inventory by completing an inventory survey form available from the Community Planning Department and submitting it to the commission staff.
 - b. The county may conduct a historic and cultural resource survey and make application for listing on the inventory without property owner consent.
4. Listing on the Inventory.
 - a. New listings of buildings, structures, sites, objects or districts to the inventory are subject to review by the Community Planning Department. Consideration of listing shall be based upon development of a comprehensive inventory methodology which determines a rank order.
 - b. Property(ies) which are demolished shall be maintained in the inventory records for historical research purposes.

(Amended: Ord. 2006-05-01; Ord. 2009-07-01; Ord. 2009-10-19)